

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#28
1/17/02

Applicant: STOUGHTON *et al.*
Serial No.: 09/038,894
Filed: March 11, 1998
For: *METHODS OF DIAGNOSIS AND
TRIAGE USING CELL ACTIVATION
MEASURES*
Art Unit: 1651
Examiner: Miller, M.



I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents,
Washington, D.C. 20231, on this date.

12/26/01
Date

Stephanie Seidman

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ELECTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Office Action setting forth a Requirement for Election of Species that was mailed October 24, 2001, applicant elects, with traverse, the species in which cell activation is assessed by free radical production; the disorder is trauma, the treatment assessed is treatment for trauma and the therapy is administration of a protease inhibitor for search purposes. Claims 10-16, 18, 32, 34, 41 and 42 read on the elected species.



REMARKS

A check for the fee for a one month extension of time accompanies this response. Any fees that may be due in connection with filing this paper or with this application may be charged to Deposit Account No. 50-1213. If a Petition for extension of time is needed, this paper is to be considered such Petition.

Traverse of the election of species requirement

Claims 10-18, 32-36, 38, 41 and 42 are presently pending and are subject to an election of species requirement. The Examiner contends that the application contains claims directed to the following patentably distinct species of the claimed invention: the many different ways cell activation is assessed, the many different diseases treated, the many different treatments being assessed and the many different types of activation lowering therapy.